

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JAMIE MILES

v.

CITY OF PHILADELPHIA, et al.

:
:
:
:
:
:
:

CIVIL ACTION
No. 11-4040

ORDER

AND NOW, this 17th day of February, 2012, upon consideration of a partial motion to dismiss the amended complaint of plaintiff Jamie Miles filed by defendants the City of Philadelphia, Mayor Michael Nutter, Commissioner Charles Ramsey, Captain Frank Gramlich, Captain Carol Abrams, Captain Dennis Gallagher, Sergeant Steve Naughton and Corporal Karen Preston, the motion to dismiss plaintiff's amended complaint filed by defendant Juan Vega and plaintiff's responses thereto and consistent with the accompanying memorandum of law, it is ORDERED that the motions are GRANTED and the claims set forth in plaintiff's amended complaint are DISMISSED as follows:

1. Counts I, II and III of Plaintiff's amended complaint are DISMISSED in their entirety.
2. Count IV of plaintiff's amended complaint is:
 - a. DISMISSED with respect to plaintiff's claims against defendants Mayor Michael Nutter, Commissioner Charles Ramsey, Captain Frank Gramlich and Captain Carol Abrams; and
 - b. DISMISSED without prejudice with respect to plaintiff's

claims against defendant Juan Vega. Plaintiff is permitted to file an amended complaint on or before February 29, 2011 for purposes of alleging facts sufficient to establish that she has exhausted her administrative remedies with respect to her claims against defendant Vega.

3. Any allegations pertaining to plaintiff's October 13, 2011 suspension with intent to dismiss and any claims predicated thereon are DISMISSED without prejudice.

s/Thomas N. O'Neill, Jr.
THOMAS N. O'NEILL, JR., J.